

**WRITTEN OPINION
SEPARATE SHEET**

International application No. PCT/IT02/00680

Re Item V**Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1 Reference is made to the following documents:

D1: EP-A-0620021

D2: US-A-5503139

2 Document D1 discloses (cf. column 7, line 47- column 9, line 6, figure 1):
Nebuliser ampoule (2), in particular for aerosol therapy, of the type comprises:
at least a mouthpiece for dispensing a nebulised medical product;
at least an element (34) for distributing the medical product;
at least an element (48) for activating the nebulisation,
wherein the activator element (48) is physically separate from the element (34) for distributing the medical product.

2.1 Thus, D1 discloses all the features of present independent claim 1.
Therefore, the subject-matter of claim 1 is not novel in respect to the prior art as defined in the regulations (Rule 64(1)-(3) PCT). Hence, the present application does not satisfy the criterion set forth in Article 33(2) PCT.

2.2 D2 also discloses (cf. column 3, line 38- column 4, line 67, figures 1, 2) all the features of claim 1.

2.2.1 Therefore, the subject-matter of claim 1 is not novel (Article 33(2) PCT).

2.3 Dependent claims 2 to 8, 10 and 11 do not appear to contain any additional features, which in combination with the features of any claim to which they refer, give rise to novel subject-matter (Article 33(2) PCT) as all the features introduced with these claims seem to be known while used with a known corresponding effect.

2.3.1 In particular:

- the features of claims 2, 4 to 8, 10 and 11 are disclosed in combination with the features of claim 1 in D1 (cf especially column 7, line 47- column 9, line 6, figure 1). Therefore the subject matter of claims 2, 4 to 8, 10 and 11 is not new.

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- the features of claim 3 are disclosed in combination with the features of claim 1 in D2 (cf especially column 3, line 38- column 4, line 67, figures 1, 2). Therefore the subject matter of claim 3 is not new.